



# *South Dakota Secretary of State*

## SHANTEL KREBS

### **HAVA Grant Board DRAFT- Meeting Minutes**

Monday, October 19, 2015  
10:00 a.m. CT

Secretary of State's office  
500 E. Capitol Ave., Suite 204  
Pierre, SD 57501

Conference call dial-in information:  
Dial-in number: 866.410.8397  
Conference code: 2178377981

Kristen Kellar, HAVA Coordinator and Chair, called the meeting to order at 10:04 am (CT).

Present (in person): Kristin Kellar, HAVA Coordinator and Chair, David Reiss (Director of Intergovernmental Programs, SD Department of Tribal Relations), Jerry Schwarting (Mellette County Auditor), Bob Litz (Minnehaha County Auditor), Bret Healy (Four Directions Inc.), Bob Mercer (Newspaper Reporter), Shantel Krebs (Secretary of State), Kea Warne (Deputy of Election Services, Secretary of State's office), Jason Williams (Public Information Officer, Secretary of State's office), Tom Deadrick (Deputy of Business Services, Secretary of State's office), Rachel Schmidt (Elections Coordinator, Secretary of State's office) and Christine Lehrkamp (State Election Coordinator, Secretary of State's office)

Present (on conference call): Bobbi Janke (Lake County Auditor), Sheila Hagemann (Turner County Auditor), Lori Martinec (SD Municipal League) and C.J. Moit (SD Advocacy Services)

Not Present: Denise DeJong (Disability Community Representative)

Quorum present.

HAVA Coordinator, Kristin Kellar, welcomed everyone to the meeting.

Minutes from the September 24, 2015 meeting were reviewed. A motion was made by Bobbi Janke to change the first sentence on the second page to, "A motion was made by Bobbi Janke to change the HAVA Grant Application form to providing in-person absentee voting." Janke made another motion to strike the word "not" (page 2, paragraph 8) from the sentence, "Brandon Johnson said that it would ~~not~~ meet the parameters of the grant." Approval of the amended agenda was moved by Bob Litz and seconded by Sheila Hagemann. Roll call vote: Denise DeJong- not present; Sheila Hagemann- aye; Bobbi Janke- aye; Jerry Schwarting- aye; David Reiss- aye; Kristin Kellar- aye. Approved.



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Kristin Kellar made a clarification of a statement that was made during the September 24, 2015 HAVA Grant Board meeting. A statement had been made that the board approves items but the board actually makes recommendations to the Secretary of State. The Secretary of State then either approves or denies the items.

Secretary Krebs outlined the HAVA Grant Board and Parameters. She reviewed the in-person absentee voting satellite location parameters and how a jurisdiction is defined. These parameters were developed after the elections team had spoken with county auditors, focusing on Native American counties, and feedback provided from many sources including Barb and O.J. Seamans and Bret Healy from Four Directions Inc.

Jerry Schwarting asked if a county could choose the hours that the in-person absentee voting satellite center could be open or if it would need to be open all 45 days.

Secretary Krebs said that a county would have the authority to establish the hours at its own discretion.

Bob Litz asked if it was politically correct to use the words “suspect class” as a way to describe individuals.

Secretary Krebs said that yes this was correct<sup>1</sup> and read the definition that a suspect class is a presumptively unconstitutional distinction made between individuals on the basis of race, national origin, alienage, or religious affiliation, in a statute ordinance, regulation or policy.

Secretary Krebs went on to say that the jurisdiction for the additional parameters would be limited to an incorporated municipality, unincorporated town or a census designated place. Agency Village was given as an example of a census designated place.

Jerry Schwarting asked how to calculate the 50% farther from the existing county seat or other satellite location than the rest of the county.

Secretary Krebs, along with Tom Deadrick, explained that it is easiest to draw a line from the proposed site, use a map and make the determination.

Bret Healy went on to explain that you have to take in account, on average, whether the people from the county live 50% farther away than the rest. He said that it is best to statistically analyze the population density.

<sup>1</sup> – The definition of Suspect Class is a legal definition.



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David Reiss asked who has the burden of proof to make these determinations.

Secretary Krebs said that her office would review the application for the satellite location but the burden of proof would be on the applicant submitting the request.

A motion was made by Jerry Schwarting to for a recommendation to Secretary Krebs to adopt the In-Person Absentee Voting Satellite Locations Parameters which was seconded by Sheila Hagemann. Roll call vote: Denise DeJong- not present; Sheila Hagemann- aye; Bobbi Janke- aye; Jerry Schwarting- aye; David Reiss- aye; Kristin Kellar- aye. Approved.

The meeting moved to comments by the public.

Brett Healy, of Four Directions, Inc., expressed his admiration for the HAVA Grant Board and is happy with the progress that has been made. He also appreciated the two pathways for counties to apply for a satellite location noting that this helps those counties who don't fit under the first pathway.

Jerry Schwarting asked if it was just the counties that had been approved that could ask for more money three months prior to the election for pre-approval.

Shantel Krebs said that it would allow discretionary funds, especially since there was a short time frame for the first deadline. She said she recognized there might not have been enough time and will work with counties to make the 2016 election easier. The three month period outlined in the parameters is for counties to submit estimated expenses prior to the election for pre-approval in order to be reimbursed HAVA funds.

General remarks were made by Secretary Krebs informing the board and members present that the next round of applications would be due July 1, 2017. Reminders will be sent out to the counties.

Kristin Kellar thanked the board for helping her get through her first board meeting as chair and said she looked forward to the next meeting.

Motion to adjourn at 10:39 am (CT) by Kristin Kellar, seconded by David Reiss. Roll call vote: Denise DeJong- not present; Sheila Hagemann- aye; Bobbi Janke- aye; David Reiss- aye; Kristin Kellar- aye. Approved.

Recorded by Rachel Schmidt  
Elections Coordinator, Secretary of State's office